



ROPES & GRAY LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110-2624  
WWW.ROPESGRAY.COM

September 17, 2010

Kirsten V. Mayer  
T +1 617 951 7753  
F +1 617 235 0537  
kirsten.mayer@ropesgray.com

Honorable Edward F. Harrington  
United States District Court for the District of Massachusetts  
One Courthouse Way  
Boston, MA 02210

Re: *U.S. ex rel. Laughlin v. Orthofix International N.V. and Orthofix Inc.*, Case No. 05-10557

Judge Harrington:

On September 14, 2010, counsel for Orthofix International N.V. and Orthofix Inc. (“Orthofix”) received a copy of a September 10, 2010 letter from Relator Laughlin’s counsel to the Court. (Attached here as Exhibit 1). That letter stated that it was providing the Court with, *inter alia*, a “courtesy copy” of Relator Laughlin’s “Complaint and Exhibits.” The copy of this letter that Orthofix’s counsel received on September 14 did not include a copy of the “Complaint and Exhibits” that Relator apparently provided to the Court.

Orthofix is writing this letter to request that the Court return to Relator the “courtesy copy” of Relator’s “Complaint and Exhibits” that relator provided to the Court with his letter of September 10. Because that “courtesy copy” apparently includes exhibits, it is, by virtue of that fact, not a “copy” of the complaint that was filed with the Court and served on Orthofix in this matter, and thus should be returned to Relator.

Pursuant to the Court’s Order of June 9, 2010, the Relator filed and served by ECF his “Second Amended Complaint” – without any exhibits attached – on June 23, 2010. While the body of this complaint referred to exhibits in certain places, no exhibits were attached to the complaint, and no exhibits were filed with the court and served through ECF. On July 23, 2010, Orthofix timely moved to dismiss the June 23 complaint, and specifically noted in its motion that although the Second Amended Complaint mentioned exhibits, no exhibits had been filed or served with the complaint, and thus none were part of the operative complaint in this case. *See Memorandum In Support of Defendants’ Motion to Dismiss Relator Marcus Laughlin’s Second Amended Complaint at 2, n. 3, Dkt. No. 127.*

The Relator has known or been on notice at least since he filed his Second Amended Complaint by ECF on June 23, and certainly since he was served with Orthofix’s motion to dismiss on July 23, that his Second Amended Complaint did not include any exhibits. He should not be permitted now

ROPS & GRAY LLP

to suggest to the Court that a version of his second amended complaint that does include exhibits was filed and served in this case.

Sincerely,

/s/ Kirsten V. Mayer

Attorney for Defendant Orthofix International N.V. and Orthofix, Inc

Enclosure

ROPES & GRAY LLP

**CERTIFICATE OF SERVICE**

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on September 17, 2010.

Dated: September 17, 2010

By: /s/ Kirsten V. Mayer

Kirsten V. Mayer  
(BBO #641567)  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110  
Telephone: (617) 951-7000  
Facsimile: (617) 951-7050  
Kirsten.Mayer@ropesgray.com

Attorney for Defendants Orthofix  
International, N.V. and Orthofix, Inc.